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OFFICE OF PETITIONS

EDWARDS & ANGELL, LLP
P.O. BOX 55874
BOSTON, MA 02205

In re Application of :
Althoff, Johnston, and Abbott :
Application No.: 09/910,256 : **ON PETITION**
Filing Date: July 20, 2001 :
Attorney Docket No. 55185 :

This is a decision on the petition under 37 CFR 1.47 filed March 10, 2006, which will be treated as a petition under 37 CFR 1.183 to waive the requirements of 37 CFR 1.131.

The petition is **dismissed**.

The record reflects that, by a final Office action mailed May 16, 2005, the examiner assigned to the subject application indicated that the declaration under 37 CFR 1.131 first filed April 20, 2005, was not proper, in part, because it lacked the signatures of all the joint inventors. On March 10, 2006, petitioner filed the instant petition under 37 CFR 1.47 to correct the deficiency. Petitioner requests that the declaration under 37 CFR 1.131 be accepted without the signature of inventor Abbott because inventor Abbott is allegedly refusing to sign the declaration.

It is noted that the provisions of 37 CFR 1.47 only apply to the execution of the original oath or declaration under 37 CFR 1.63. A petition under 37 CFR 1.47 is not appropriate in this case because inventor Abbott executed the original declaration. Relief can be granted, pursuant to 37 CFR 1.183, by the waiver or suspension of the requirements of 37 CFR 1.131 as to inventor Abbott.

Accordingly, the instant petition will be treated as petition under 37 CFR 1.183 to waive the requirement of 37 CFR 1.131 so as to accept the declaration filed March 10, 2006, without the signature of inventor Abbott. The petition must be dismissed, however, because the fee of \$400.00 did not accompany the petition and the authorization to charge the deposit account was rejected.

Any renewed petition filed must be accompanied by the petition fee of \$400.00, or a proper authorization to charge a deposit account of the same.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petitions
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By FAX: (571) 273-8300
Attn: Office of Petitions

Telephone inquiries regarding this matter should be directed to the undersigned at (571) 272-3222.

A handwritten signature in cursive script, reading "Kenya A. McLaughlin".

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions